

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

DATE: January 13, 2006

SUBJECT: Reports of Significant Developments and Activities
Ending on January 6, 2006

FROM: Richard C. Karl, Director
Superfund Division

TO: Thomas V. Skinner
Regional Administrator

Bharat Mathur
Deputy Regional Administrator

The activities listed below are organized by site-specific activities:

SITE-SPECIFIC ACTIVITIES

**Response, Lindsay Light II Site, Former Kraft Building Property,
Chicago, Illinois**

On January 4, 2006, the owner/developer of property in the Streeterville neighborhood near downtown Chicago began excavation and disposal of radioactive thorium contaminated soils from two parcels known as the former Kraft Building property. The contaminated soils originated from ore tailings from which the thorium was extracted for production of gas mantles by the Lindsay Light Company in the era 1911-1936. The United States Environmental Protection Agency (U.S. EPA) has been working in Streeterville since 1993 to locate and remove thorium contaminated soils. For this project, U.S. EPA is overseeing the cleanup by potentially responsible parties, an MCL real estate affiliate and Tronox, Inc. (formerly Kerr-McGee Chemical, the successor to Lindsay Light). This action is projected to take 3 to 4 weeks.

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Judicial Consent Decree Entered, Exxon Mobil Corporation, Joliet, Illinois

On December 13, 2005, the United States District Court Judge entered a consent decree against Exxon Mobil Corporation, Joliet, Illinois. The consent decree resolves allegations in the complaint that include the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation and Liability Act, and the Emergency Planning and Community Right-to-Know Act. There were several releases that Exxon Mobil failed to immediately notify the National Response Center, the State Emergency Response Commission, and the Local Emergency Planning Committee.

As part of the settlement agreement, Exxon Mobil will pay a \$7.7 million dollar civil penalty, including \$6 million to the United States, \$500,000 to the Federal Superfund, and \$650,000 to Illinois. The company has also agreed to implement injunctive relief projects that are estimated to cost the company \$571 million, including \$180 million in Illinois, and has agreed to spend \$9.7 million on supplemental environmental projects, including \$2.2 million in Illinois. Exxon Mobil has also agreed to spend \$100,000 on emergency response equipment for Will County. The other affected Exxon Mobil refineries are in Baton Rouge, Louisiana; Baytown, Texas; Beaumont, Texas; Billings, Montana; Chalmette, Louisiana; and Torrance, California.

Contact: James Entzminger (312-886-4062)

Settlement, Antigo Cheese Company, Antigo, Wisconsin

On January 4, 2006, U.S. EPA entered into a Consent Agreement and Final Order with Antigo Cheese Company to resolve alleged violations of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the Emergency Planning and Community Right-to-Know Act (EPCRA) reporting requirements. The Complaint alleged that Antigo Cheese Company failed to immediately notify the National Response Center, Wisconsin State Emergency Response Commission (SERC), and Langlade County Local Emergency Planning Committee (LEPC) of a release of 2,000 pounds of ammonia which occurred from their facility on October 28, 2001. The release was reported to the National Response Center (NRC) and SERC approximately 1.5 hours after occurrence and was reported to the LEPC 32 hours and 10 minutes after the release. Anhydrous ammonia is a CERCLA hazardous substance and an EPCRA extremely hazardous substance with a 100 pound reportable quantity. Antigo Cheese Company also failed to submit a written follow-up report to the SERC and LEPC as soon as practicable after the release. Both parties agreed to

settle this matter. Antigo will pay \$3,000 to the Superfund for the CERCLA violation and \$17,000 to the U.S. Treasury for the EPCRA violations. In addition, Antigo will complete a Supplemental Environmental Project costing approximately \$82,810, for a total settlement of \$102,810. Antigo will install a system to control the amount and timing of pH effluent flow released by the facility to the City of Antigo's water treatment facility. The system will hold and treat the facility's wastewater to ensure that all wastewater released to the City's water treatment facility contains an optimal range of pH.

Contact: Ruth McNamara (312-353-3193)

Settlement Reached, Caraustar Industries, Inc., Cincinnati, Ohio

On December 15, 2005, the U.S. EPA filed a Consent Agreement and Final Order resolving the Administrative Complaint against Caraustar Industries, Inc., Cincinnati, Ohio. The allegations include Section 312 of the Emergency Planning and Community Right-to-Know Act. It was determined that the facility had 40,000 gallons of #6 fuel oil. The 40,000 gallons would be about 330,000 pounds. The reporting threshold for any hazardous chemical is 10,000 pounds. The facility exceeded the reporting threshold by 33 times. Caraustar Industries, Inc. agreed to pay a \$40,000 penalty to resolve this matter. Caraustar Industries, Inc. will have 30 days to pay the penalty.

Contact: James Entzminger (312-886-4062)

Settlement Reached, Michigan Marine Terminal, Inc., River Rouge, Michigan

On January 3, 2006, the U.S. EPA filed an Administrative Complaint and a Consent Agreement and Final Order against Michigan Marine Terminal, Inc., River Rouge, Michigan. The violations are for failure to file the completed Emergency and Hazardous Chemical Inventory form with the State Emergency Response Commission, the Local Emergency Planning Committee, and the local fire department with jurisdiction over the facility for calendar years 2000, 2001, and 2002, by the March 1 deadline. The facility does have 215,246,666.8 pounds of liquid asphalt cement. The reporting threshold for any hazardous chemical is 10,000 pounds. The facility exceeds the reporting threshold by 21,252 times and the owner/operator had never submitted the Emergency and Hazardous Chemical Inventory forms. The owner or operator first submitted the completed forms on October 10, 2003, for the 2002 calendar year. As part of the settlement, the facility agreed to a \$7,518.90 cash penalty, purchase and install

site security equipment, conduct an environmental audit, and assist the United States Coast Guard during an exercise on the Rouge River. The Projects will cost \$29,725. Michigan Marine Terminal, Inc. will have 30 days to pay the penalty and to complete these projects.

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